

ENTERED

April 24, 2025

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

TERRENCE REED,

Plaintiff.

VS.

KANSAS CITY SOUTHERN
RAILWAY COMPANY,

Defendant.

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CIVIL ACTION NO. 4:24-CV-1795

**ORDER ADOPTING MAGISTRATE JUDGE'S
MEMORANDUM AND RECOMMENDATION**

On December 13, 2024, Defendant's partial motion to dismiss under Federal Rule of Civil Procedure 12(b)(6) (Dkt. 44) was referred to United States Magistrate Judge Peter Bray under 28 U.S.C. § 636(b)(1)(B). (Dkt. 48). Judge Bray filed a Memorandum and Recommendation on March 4, 2025, recommending that Defendant's partial motion to dismiss be **GRANTED**. (Dkt. 51). On March 18, 2025, Plaintiff filed his Objections. (Dkt. 52). On April 1, 2025, Defendant responded to Plaintiff's Objections. (Dkt. 53).

In accordance with 28 U.S.C. § 636(b)(1)(C), this Court is required to "make a de novo determination of those portions of the [magistrate judge's] report or specified proposed findings or recommendations to which objection [has been] made." After conducting this de novo review, the Court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C); *see also* Fed. R. Civ. P. 72(b)(3). The Court has carefully considered Plaintiff's Objections; Defendant's response to Plaintiff's Objections; the Memorandum

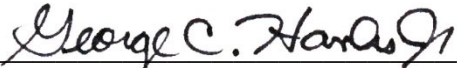
and Recommendation; the pleadings; and the record. The Court **ACCEPTS** Judge Bray's Memorandum and Recommendation and **ADOPTS** it as the opinion of the Court.

It is therefore **ORDERED** that:

- (1) Judge Bray's Memorandum and Recommendation (Dkt. 51) is **APPROVED AND ADOPTED** in its entirety as the holding of the Court; and
- (2) The failure-to-promote claims alleged in Plaintiff's second amended complaint are **DISMISSED WITH PREJUDICE**.

It is so **ORDERED**.

SIGNED at Houston, Texas on April 24, 2025.



GEORGE C. HANKS, JR.
UNITED STATES DISTRICT JUDGE